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2 District of Arizona
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☒ FILED ☐ LODGED

Sep 14 2022

CLERK U.S. DISTRICT COURT
DISTRICT OF ARIZONA

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 United States of America,
10 Plaintiff,

22-02025-JAS-MSA
CR
Mag. No. 22-03443M (MSA)

11 vs.

PLEA AGREEMENT

12 Alvino Reynova-Hernandez,
t/n Alvino Renova-Hernandez, (T/N)
13 Defendant.

(Fast Track U.S.S.G. § 5K3.1)

14 The United States of America and the defendant agree to the following disposition
15 of this matter:

16 PLEA

17 The defendant agrees to plead guilty to the Information charging the defendant with
18 a violation of 8 U.S.C. §§ 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i), Transportation of Illegal
19 Aliens for Profit, a felony. ✓

20 ELEMENTS OF THE OFFENSE AND SENTENCING FACTOR

21 1. The defendant knew or was in reckless disregard of the fact that certain aliens
22 had come to, entered, or remained in the United States in violation of law. ✓

23 2. The defendant knowingly transported or moved such aliens within the United
24 States by means of transportation or otherwise in order to help such aliens remain in the
25 United States illegally. ✓

26 3. The defendant committed the offense for the purpose of commercial advantage
27 or private financial gain.
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3. The defendant may withdraw from the plea agreement if he/she receives a sentence that exceeds the stipulated ranges listed above.

4. If the defendant moves for any adjustments in Chapters Two, Three or Four of the Sentencing Guidelines or any “departures” from the Sentencing Guidelines, the government may withdraw from this agreement. If the defendant argues for a variance under 18 U.S.C. § 3553(a) in support of a sentence request below the stipulated range in this agreement, the government may oppose the requested variance. The government, however, will not withdraw from the agreement if the defendant argues for, and the Court grants, a variance below the stipulated range in this agreement.

5. The parties agree that the defendant was an average participant in the offense for the purpose of role analysis under U.S.S.G. §§ 3B1.1 and 3B1.2.

6. If the Court, after reviewing this plea agreement, concludes any provision is inappropriate under Fed. R. Crim. P. 11(c)(5), it may reject the plea agreement, giving the defendant, in accordance with Fed. R. Crim. P. 11(d)(2)(A), an opportunity to withdraw the defendant's guilty plea.

7. The defendant recognizes that pleading guilty may have consequences with respect to his/her immigration status if defendant is not a citizen of the United States. Under federal law, a broad range of crimes are removable offenses, including the offense(s) to which defendant is pleading guilty. Removal and other immigration consequences may be the subject of a separate judicial or administrative proceeding, and the defendant has discussed the direct and collateral implications this plea agreement may have with his or her defense attorney. Defendant nevertheless affirms that he/she wants to plead guilty regardless of any immigration consequences that this plea may entail, even if the consequence is defendant's automatic removal from the United States.

Forfeiture

Nothing in this plea agreement shall be construed to protect the defendant from civil forfeiture proceedings or prohibit the United States from proceeding with and/or initiating

1 an action for civil forfeiture. Further, this agreement does not preclude the United States
2 from instituting any civil proceedings as may be appropriate now or in the future.

3 Plea Addendum

4 This written plea agreement, and any written addenda filed as attachments to this
5 plea agreement, contained all the terms and conditions of the plea. Any additional
6 agreements, if any such agreements exist, shall be recorded in a separate document and
7 may be filed with the Court under seal. Accordingly, additional agreements, if any, may
8 not be in the public record.

9 Waiver of Defenses and Appeal Rights

10 Provided the defendant receives a sentence not to exceed 24 months' imprisonment,
11 the defendant waives any and all motions, defenses, probable cause determinations, and
12 objections that the defendant could assert to the information or indictment, or to the petition
13 to revoke, or to the Court's entry of judgment against the defendant and imposition of
14 sentence upon the defendant providing the sentence is consistent with this agreement. The
15 sentence is in accordance with this agreement if the sentence imposed is within the
16 stipulated range or below the stipulated range if the Court grants a variance. The defendant
17 further waives: (1) any right to appeal the Court's entry of judgment against defendant; (2)
18 any right to appeal the imposition of sentence upon defendant under 18 U.S.C. § 3742
19 (sentence appeals); (3) any right to appeal the district court's refusal to grant a requested
20 variance; (4) any right to collaterally attack defendant's conviction and sentence under 28
21 U.S.C. § 2255, or any other collateral attack; and (5) any right to file a motion for
22 modification of sentence, including under 18 U.S.C. § 3582(c) (except for the right to file
23 a compassionate release motion under 18 U.S.C. § 3582(c)(1)(A) and to appeal the denial
24 of such a motion). The defendant acknowledges that this waiver shall result in the dismissal
25 of any appeal or collateral attack the defendant might file challenging his/her conviction or
26 sentence in this case. If the defendant files a notice of appeal or a habeas petition,
27 notwithstanding this agreement, defendant agrees that this case shall, upon motion of the
28 government, be remanded to the district court to determine whether defendant is in breach

1 of this agreement and, if so, to permit the government to withdraw from the plea agreement.
2 This waiver shall not be construed to bar an otherwise-preserved claim of ineffective
3 assistance of counsel or of "prosecutorial misconduct" (as that term is defined by Section
4 II.B of Ariz. Ethics Op. 15-01 (2015)).

5 Reinstitution of Prosecution

6 Nothing in this agreement shall be construed to protect the defendant in any way
7 from prosecution for perjury, false declaration or false statement, or any other offense
8 committed by the defendant after the date of this agreement. In addition, if the defendant
9 commits any criminal offense between the date of this agreement and the date of
10 sentencing, the government will have the right to withdraw from this agreement. Any
11 information, statements, documents and evidence which the defendant provides to the
12 United States pursuant to this agreement may be used against the defendant in all such
13 proceedings.

14 If the defendant's guilty plea is rejected, withdrawn, vacated, or reversed by any
15 court in a later proceeding, the government will be free to prosecute the defendant for all
16 charges as to which it has knowledge, and any charges that have been dismissed because
17 of this plea agreement will be automatically reinstated. In such event, the defendant waives
18 any objections, motions, or defenses based upon the Speedy Trial Act or the Sixth
19 Amendment to the Constitution as to the delay occasioned by the later proceedings.
20 Defendant agrees that the stipulated sentencing ranges set forth under "Agreements
21 Regarding Sentence" will not be offered if prosecution is re-instituted.

22 Disclosure of Information to U.S. Probation Office

23 The defendant understands the government's obligation to provide all information
24 in its file regarding defendant to the United States Probation Office. The defendant fully
25 understands and agrees to cooperate fully with the United States Probation Office in
26 providing all information requested by the probation officer.
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1 I am satisfied that my defense attorney has represented me in a competent manner.
2 I am not now on or under the influence of any drug, medication, liquor, or other
3 intoxicant or depressant, which would impair my ability to fully understand the terms and
4 conditions of this plea agreement.

5 FACTUAL BASIS AND SENTENCING FACTOR

6 I agree that the following facts accurately describe my conduct in connection with
7 the offense to which I am pleading guilty and that if this matter were to proceed to trial the
8 government could prove these facts beyond a reasonable doubt:

9 On or about August 18, 2022, in the District of Arizona, Alvino Reynova-
10 Hernandez was the driver of a blue Buick Century. He did knowingly
11 transport three illegal aliens, including Eleazar Iglesias-Silva and Modesto
12 Correa-Ozuna. Reynova-Hernandez knew these individuals were illegal
13 aliens and had not received prior authorization from the United States to
come, enter, remain, or reside in the United States. Reynova-Hernandez
intended to assist the aliens in remaining in the United States unlawfully, and
was going to be paid to transport them.

14 I have read this agreement or it has been read to me in Spanish, and I have carefully
15 reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it.

16 I consent that my attorney sign this document on my behalf.

17 Date: 9/7/2022

18 Alvino Reynova-Hernandez
19 Alvino Reynova-Hernandez
20 Defendant

20 DEFENSE ATTORNEY'S APPROVAL

21 I have discussed this case and the plea agreement with my client in detail and have
22 advised the defendant of all matters within the scope of Rule 11, Fed. R. Crim. P., the
23 constitutional and other rights of an accused, the factual basis for and the nature of the
24 offense to which the guilty plea will be entered, possible defenses, and the consequences
25 of the guilty plea, including the defendant's waiver of the right to appeal. No assurances,
26 promises, or representations have been given to me or to the defendant by the government
27 or by any of its representatives which are not contained in this written agreement. I concur
28 in the entry of the plea as indicated above and on the terms and conditions set forth in this

1 agreement as in the best interests of my client. I agree to make a bona fide effort to ensure
2 the guilty plea is entered in accordance with all the requirements of Rule 11, Fed. R. Crim.
3 P.

4 I translated or caused to be translated this agreement from English into Spanish to
5 the defendant on the 7th day of September, 2022.

6
7 Date: 9/7/2022

Richard B. Bacal
Richard B. Bacal
Attorney for Defendant

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11 GOVERNMENT'S APPROVAL

12 I have reviewed this matter and the plea agreement. I agree on behalf of the United
13 States that the terms and conditions set forth are appropriate and are in the best interests of
14 justice.
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19 Date: _____

GARY M. RESTAINO
United States Attorney
District of Arizona

REBECCA
GARVEY

REBECCA S. GARVEY
Assistant U.S. Attorney

Digitally signed by REBECCA
GARVEY
Date: 2022.09.06 11:36:29
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